

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

| | | |
|-----------------------------------|---|------------------------|
| THOMAS A. EAMES, ROBERTA L. EAMES |) | |
| and TAMMY EAMES, on behalf of |) | |
| themselves and all others |) | |
| similarly situated, |) | |
| |) | |
| Plaintiffs, |) | C.A. No. 04-CV-1324KAJ |
| |) | |
| v. |) | |
| |) | |
| NATIONWIDE MUTUAL INSURANCE |) | |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

**EAMES PLAINTIFFS' MOTION TO COMPEL
DOCUMENTS RESPONSIVE TO THEIR INITIAL
DOCUMENT REQUESTS, AND FOR SANCTIONS**

Plaintiff's Thomas A. Eames, Roberta L. Eames and Tammy Eames respectfully move, pursuant to Federal Rules of Civil Procedure 34 and 37(a), to compel Nationwide to

a) immediately produce documents responsive to their initial document requests, and b) pay meaningful sanctions for its abuse of the discovery process. The specific relief requested by this motion, and the grounds therefor, are set forth in the accompanying opening brief.

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro
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Attorneys for plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames (on behalf of themselves and all others similarly situated)

October 26, 2005

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NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

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